

REMARKS

Applicant notes with appreciation the continued allowance of Claims 39-41, 43, 45, 46, 50 and 53¹ as written. Despite Applicant's cancellation of rejected claims in response to the previous Office Action dated January 31, 2006, which placed the application in condition for allowance, formerly allowable subject matter (i.e., Claims 35-38, 47 and 48) has been withdrawn by virtue of the most recent Office Action. In order to promptly proceed to issuance of the application with the claims that continue to be allowable, Applicant has elected to, without prejudice, cancel the claims that now stand rejected per the Office Action mailed on January 16, 2007.

As noted in connection with Applicant's responses to previous Office Actions that also withdrew other formerly allowable subject matter, Applicant's cancellation of now-rejected Claims 35-38, 47 and 48, as well as the cancellation of other claims that were cancelled in response to previous Office Actions, should not be taken as an indication that Applicant concedes that the prior art anticipates the rejected claims.

In conjunction with the most recent withdrawal of formerly allowable subject matter, Applicant, through his Virginia-based representatives, has attempted on numerous occasions to contact Examiner Horton to discuss the most recent Office Action. Despite countless attempts to reach the Examiner, Applicant was successful only once (in mid-June 2007), at which time, Applicant requested that an Examiner's Amendment be entered, cancelling the now-rejected claims so that the application could proceed expeditiously to issuance. In response to the request, the Examiner indicated that she would first have to contact her supervisor, Carl Freedman, before entering such an Amendment. At the time, the Examiner indicated that she would contact Mr. Freedman the following Monday, June 18, 2007, to discuss the possibility of

¹ Applicant notes that the most recent Office Action indicates under the heading "Allowable Subject Matter," that claims 47 and 48 were also allowable. However, based on the substance of the Office Action, and as confirmed orally by the Examiner, claims 47 and 48 apparently stand rejected.

entering an Examiner's Amendment. For the entire week of June 18, Applicant was unable to reach the Examiner or Mr. Freedman to discuss the proffered possibility of a straightforward Examiner's Amendment. One week later, that Applicant was able to reach Mr. Freedman, at which time Applicant was informed that Mr. Freedman had been reassigned, that Examiner Horton is no longer with the Patent Office and that the case would be reassigned to a different Examiner.

The above-referenced narrative is indicative of the frustration Applicant has encountered for much of the pendency of this application. Consequently, Applicant now simply desires to proceed to issuance of this application with the claims that are still allowable as expeditiously as possible and has done everything it is power to do so. Cooperation and responsiveness from the next Examiner would be greatly appreciated.

Applicant submits that the application as amended (containing solely allowed claims) presents novel and non-obvious subject matter and is in condition for allowance. Early and favorable action is respectfully requested.

PETITION FOR RETROACTIVE THREE-MONTH EXTENSION

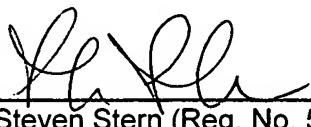
The Commissioner is requested to construe this paper as including a retroactive Petition for a three-month extension of time in which to file a Response to the outstanding Office Action, and accordingly, a check for the official fee of \$510.00, prescribed therefor by 37 C.F.R. §1.17 (a)(3), in the case of a Small Entity, is also submitted herewith. The Commissioner is authorized to charge any additional extension fees which may be required, or to credit any overpayment, to Deposit Account No. 07-1730.

Respectfully submitted,

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